

## Shoreline Environment Designations Purpose and Location Response Paper

This document contains proposals presented to the Citizens Advisory Committee (CAC) members, a summary of the views expressed by CAC members, and DPD's responses to these comments in italics. Discussion of the original proposal presented by DPD can be found in the document entitled Shoreline Environment Designations Policy Paper, dated December 12, 2008. These following summaries are arranged by subject in the following order: Overall Comments, Purpose Statements, and Location and Locational Criteria

### Overall Comments

- DPD received several comments that many of the management policies stated for individual environments, such as seeking to “achieve no net loss of ecological function” and “prevent degradation of water quality and alteration of hydrology”, were applicable to all environments and should be combined into a new section for overall policies.

*DPD is proposing to move all the management policies from the SMP code to the shoreline section of Seattle's Comprehensive Plan. This change will allow us to combine overarching policies together as recommended and to integrate these policies with other existing shoreline goals and policies. No net loss of ecological function and water quality standards will specifically be included as over-arching policies for all shoreline environments.*

- Concern was also voiced that there were many terms used throughout the goals, policies, and location criteria with similar, but ambiguous meanings that should be reevaluated for clarity. Examples include significant/substantial or minimize/avoid/prevent/protect/maintain/restore. Additionally, the term “where feasible” was used in multiple places and was felt to be vague.

*DPD will revisit this language in order to provide additional definition to these terms and remove redundant language. DPD will also consider adding these words to the definition section of the code.*

- Under the existing code, parcels frequently had different shoreline environments for dry and submerged portions of their property. Several comments were received relating to whether less or more aquatic environments should be utilized to differentiate between regulations applying to dry and submerged lands. No consensus emerged as to whether these divisions would be beneficial.

*DPD feels that minimizing the number of environments applicable to a property will provide greater clarity overall and is not proposing to create additional aquatic environments. We are, however, currently proposing to retain many areas of split*

*zoning between dry and submerged land where aquatic conditions warrant different levels of protection based on existing environmental function and land uses.*

- A comment was received that the following goal, which appears in several of the designations, is confusing: “Where applicable... development shall include clean up and restoration required by law”. The commenter felt that the policy was unnecessary if the law already required clean up and restoration.

*This policy is proposed to be removed.*

### **Purpose Statements**

In addition to general comments, a number of specific comments were received relating to language used in purpose statements. The comments and proposed changes are listed below:

#### Conservancy Management environment

The statement “The types of development allowed in the CM environment can be managed to preserve ecological functions and typically provide public access” was felt to be unclear.

*DPD recommends the following new language: “The types of development allowed in the CM environment are such that they are able to be managed to preserve ecological functions and provide public access”*

#### Urban Maritime environment

The word “efficient” was found to be too subjective in the statement “The purpose of the UM environment is to provide for efficient use of industrial and commercial shorelines by water-dependent and water-related uses.”

*DPD recommends the removal of this word.*

#### Urban Industrial environment

Comments were received that the purpose statement for the Urban Industrial environment shown below inadequately summarized our vision for public access in these areas:

“The purpose of the Urban Industrial environment is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. Public access should be accommodated only to the extent that it can be accomplished effectively on public lands or on marinas or lots containing non-water-dependent uses.”

*DPD recommends the following new language:*

*“The purpose of the Urban Industrial environment is to provide for use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. Public access should be accommodated on public*

*lands to the extent that it is feasible and compatible with the safety, security and impact to the shoreline environment, or where the port district or other public entity has identified and incorporated public access in its master plans. Public access should also be provided at marinas or lots containing non-water-dependent uses.”*

### **Location and Locational Criteria**

A number of specific comments were received relating to the location of certain environments. These comments and proposed changes are listed below:

#### Lake Union/Ship Canal

Multiple comments were received that DPD should consider making substantial changes to the UM, UI, and US environments in recognition of changed needs and conditions within the Lake Union/Ship Canal area. In particular, some members suggested that the demand for water-dependent and water-related business has decreased and that limitations on non-water-dependent/water-related uses in the US, UM, and UI environments were causing economic hardship for property owners. Additionally, some members felt that the US zone should be expanded to more areas to allow a greater mix of commercial and residential uses.

*The City of Seattle is conducting economic research to understand the needs of water-dependent businesses throughout the City and will use this data to inform our decision about the need for continued limitations on non-water-dependent/water-related uses. Potential rezones from UM and UI to US are not being proposed as part of the SMP update as DPD feels that substantial rezones of industrial land should be addressed on a city-wide basis rather than as part of shoreline regulations. Potential rezones of industrial area are being considered as part of the City’s Industrial Lands initiative; however, rezones of industrial land to allow more commercial and residential development as is allowed in US must be undertaken with caution so as to meet the goal of supporting water-dependent and water-related uses.*

#### Duwamish

A comment was received that the Urban Industrial designation seems too broad and oversimplified, particularly in the Duwamish.

*DPD feels that the Urban Industrial designation allows for a broad array of water-dependent and water-related industrial uses throughout Seattle’s industrial waterfront. Creating additional designations that recognize the existing character of additional areas would likely serve to limit the flexibility for water-dependent and water-related uses in these areas based on existing conditions rather than providing additional benefits. DPD is not at this time proposing to create additional Urban Industrial designations.*

#### Parks

Currently, some parks such as Green Lake are designated Conservancy Management while others are designated Conservancy Recreation. DPD’s original proposal sought to more clearly differentiate between Conservancy Management and Conservancy

Recreation by changing parks with boat ramps and no major overwater boat storage from CM to CR. It was suggested that additional parks could be designated Conservancy Recreation if boat ramps were allowed in these zones.

*DPD continues to support its original proposal in which Green Lake and marinas within parks would continue to be zoned CM. Green Lake is proposed to remain CM because the unique managed nature of this waterbody (city-controlled water levels, lack of natural discharge point, highly managed fish populations, etc.) make the management challenges of this area unique. Marinas within parks would continue to be CM because they accommodate a level of development and overwater coverage that would be inappropriate in a CR environment.*

#### Shilshole Bay Marina

A proposed rezone of the area containing Shilshole Bay Marina was felt by some members to be inappropriate as it could make non-conforming a number of existing uses, such as an eating and drinking establishment, that were deemed to be appropriate and would substantially limit what is allowed by the underlying zoning.

*DPD proposes to retain the US designation for this area based on these comments.*

#### North Shilshole Residential Area

Concern was also raised regarding the proposed rezone of the area on Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street from Urban Stable to Urban Residential. Specifically, commenters felt that this change might preclude some existing commercial uses in the area.

*DPD proposes to maintain this rezone proposal, but will modify UR standards to allowing limited commercial development on upland lots where it is allowed in the underlying zone. DPD's analysis of 1987 and 2007 land use inventories indicates that despite broad zoning allowances for the past 30 years, the area has maintained a residential character with little commercial development. Currently, only two small commercial developments exist and only one appears to be conforming to existing standards. A UR designation is more appropriate given the existing conditions and the lack of demand for commercial space in the area. In particular, this area is unsuitable for the types of water-dependent development envisioned for the US environment due to the lack of available dry and submerged land.*

#### Locational Criteria in Urban Residential environment

It was suggested that we add the following additional location criteria in the UR environment: "Areas with existing floating home moorage."

*DPD is proposing to adopt this proposed language with limited clarification as follows: "Areas with substantial existing floating home moorage adjacent to residential zoning". The purpose of this change is to differentiate large houseboat communities from areas that have small clusters of houseboats which are proposed to remain Urban Stable due to the mix of uses.*